

JS 44 (Rev. 12/07, NJ 5/08)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Allison Skidmore

(b) County of Residence of First Listed Plaintiff Burlington County, NJ

(c) Attorney's (Firm Name, Address, Telephone Number and Email Address)

Ari R. Karpf and Paul C. Lantis
Karpf & Karpf, P.C., 3070 Bristol Pike, Bldg. 2, Ste. 231
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DEFENDANTS

Virtua Health, Inc.

County of Residence of First Listed Defendant Burlington County, NJ

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

Kristine Grady Derewicz and Elizabeth Tempio Clement
Littler Mendelson, P.C., 1601 Cherry Street, Suite 1400,

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

(Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTIONCite the U.S. Civil Statute under which you are filing. (Do not cite jurisdictional statutes unless diversity):
Family Medical Leave Act, 29 U.S.C. §§ 2601 et seq.

Brief description of cause:

Interference in Violation of the Family Medical Leave Act**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND \$**

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S)**

(See instructions):

JUDGE _____

DOCKET NUMBER _____

Explanation: _____

DATE

01/28/2011

SIGNATURE OF ATTORNEY OF RECORD

s/ Kristine Grady Derewicz

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Attorneys for Defendant Virtua Health, Inc.

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ALLISON SKIDMORE,

Plaintiff,

vs.

VIRTUA HEALTH INC.,

Defendant.

Docket No.

Civil Action

**NOTICE OF REMOVAL OF
ACTION**

Defendant Virtua Health, Inc. ("Virtua"), by and through its undersigned counsel, hereby alleges the following:

1. Plaintiff Allison Skidmore ("Ms. Skidmore") commenced a civil action by filing a Complaint on or about April 12, 2010, against Virtua in the Superior Court of New Jersey, Law Division, Camden County, styled Allison Skidmore v. Virtua Health Inc. and Summit Surgical Center LLC, Docket No. CAM-L-1835-10.

2. On or about December 28, 2010, Ms. Skidmore filed a Second Amended Complaint against Virtua in the Superior Court of New Jersey, Law Division, Camden County, styled Allison Skidmore v. Virtua Health Inc., Docket No. CAM-L-1835-10 ("Second Amended Complaint").

3. Virtua received notice of Ms. Skidmore's Second Amended Complaint by email correspondence from Ms. Skidmore's counsel dated January 10, 2011, which enclosed a copy of the Second Amended Complaint as filed by Ms. Skidmore in the Superior Court of New Jersey, Law Division, Camden County. (A true and correct copy of the January 10, 2011 correspondence from Ms. Skidmore's counsel to Virtua is attached hereto as Exhibit 1. A true and correct copy of the Second Amended Complaint is attached hereto as Exhibit 2).

4. The Second Amended Complaint purports to state a claim for interference in violation of the Family Medical Leave Act, 29 U.S.C. § 2601 *et al.*, as well as claims for discrimination on the basis of disability and on the basis of perceived disability in violation of the New Jersey Law Against Discrimination, N.J.S.A. § 10:5-1 *et seq.*

5. This Court has original jurisdiction over this action under 28 U.S.C. § 1331 because the matter in controversy arises under the Constitution, laws, or treaties of the United States.

6. Accordingly, the grounds for federal question jurisdiction are satisfied, and this Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1331.

7. This Court has supplemental jurisdiction under 28 U.S.C. § 1367 over the Second Amended Complaint to the extent it purports to make state law claims under the New Jersey Law Against Discrimination because the state law claims are so related to the federal claims that they form part of the same case or controversy.

8. By reason of the foregoing and pursuant to 28 U.S.C. § 1441(b) and (c), Virtua desires and is entitled to have this case removed from the Superior Court of New Jersey, Law Division, Camden County to the United States District Court for the District of New Jersey.

9. In accordance with 28 U.S.C. § 1446(b), this Notice of Removal has been filed within thirty (30) days after the receipt of notice of the Second Amended Complaint by Virtua.

10. This Court is the district and division embracing the place where the State Court Action is pending for purposes of 28 U.S.C. § 1441(a).

11. True and correct copies of this Notice of Removal are being promptly filed with the Clerk of the Superior Court of New Jersey, Law Division, Camden County, and served this date upon Ms. Skidmore's counsel of record.

WHEREFORE, Virtua requests that this case be removed to the United States District Court for the District of New Jersey, that this Court accept jurisdiction of this action and that this action be henceforth placed on the docket of the Court for all further proceedings as though the same action had been originally instituted and commenced in this Court.

Respectfully submitted,

s/ Kristine Grady Derewicz

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267.402.3131 (f)

Attorneys for Defendant Virtua Health, Inc.

Dated: January 28, 2011

CERTIFICATE OF SERVICE

I, Kristine Grady Derewicz, hereby certify that I caused to be served the foregoing **Notice of Removal of Action**, via email and first class mail, upon the following:

Ari R. Karpf, Esquire
Paul C. Lantis, Esquire
Karpf, Karpf & Virant
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Bensalem, Pennsylvania 19020
akarpf@karpf-law.com
plantis@karpf-law.com

In addition, a copy of the foregoing has been filed with the Court and is available for download from the Court's CM/ECF system.

s/ Kristine Grady Derewicz
Kristine Grady Derewicz

Dated: January 28, 2011